

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RYAN KERWIN,

Plaintiff

VS.

LT. WILLIAM MCCONNELL,

Defendant

) CIVIL ACTION # 05-93 ERIE

)

)

) MAGISTRATE JUDGE SUSAN BAXTER

)

'07 SEP 56 AM 121

) DISTRICT JUDGE SEAN MCLAUGHLIN

CLERK

U.S. DISTRICT COURT

MOTION FOR EXTENSION OF TIME TO FILE OBJECTIONS TO MAGISTRATE

JUDGE SUSAN BAXTER'S REPORT AND RECOMMENDATION ISSUED ON

AUGUST 16, 2007

I. FACTUAL HISTORY;

1. On August 16, 2007, Magistrate Judge Susan Baxter issued a Report and Recommendation concerning the Defendant's Motion for Summary Judgment (DOC. #73) and Plaintiff's Cross-Motion for Summary Judgment (DOC. #78).

2. By Judge Baxter's order (DOC. #86), all parties had until September 4, 2007 to file objections to the report and recommendation.

3. However, plaintiff did not receive the report and recommendation until August 31, 2007 (**Exhibit A**), exactly 15 days after it was issued and only 4 days before the filing deadline.

WHEREFORE, plaintiff respectfully requests that this honorable court give him a 15 day extension of time in which to file his objections to the report and recommendation making them due by September 19, 2007.

Respectfully submitted,

Date: 9/3/07

Ryan Kerwin

Ryan Kerwin
DZ0246
Kintoch
301 East Erie Avenue
Philadelphia, PA. 19134

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ORDER

Upon Consideration of the attached Motion for Extension of Time to File Objections to Judge Baxter's Report and Recommendation Issued on August 16, 2007, it is hereby,

Ordered and Directed, that plaintiff's motion for extension of time is granted and plaintiff will have until September 15, 2007 to file his objections

J.

Susan Paradise Baxler
Chief United States Magistrate Judge
United States District Court
Western District of Pennsylvania
17 South Park Row, Room A280
Erie, PA 16501

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Applied From: 16501

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United States Magistrate Judge

Western District of Pennsylvania

17 South Park Row, Room A280

Erie, PA 16501

EXHIBIT "A"

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AFFIDAVIT AUTHENTICATING "EXHIBIT A"

I hereby declare under penalty of perjury that the document labeled "Exhibit A" attached to my Motion for Extension of Time to File Objections to Magistrate Judge Susan Baxter's Report and Recommendation is authentic based upon my own personal knowledge.

Date: 9/3/07

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CERTIFICATE OF SERVICE

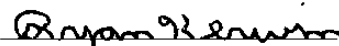
I hereby certify that a true and correct copy of the attached Motion for Extension of Time to File Objections to Magistrate Judge Susan Baxter's Report and Recommendation Issued on August 16, 2007 was served upon the following party via the U.S. Postal service and via electronic filing:

Mariah Passarelli
Office of the Attorney General
564 Forbes Ave.
Pittsburgh, PA. 15219

mpassarelli@attorneygeneral.gov

Respectfully submitted,

Date: 9/3/07



Ryan Kerwin
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301 East Erie Avenue
Philadelphia, PA. 19134